THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19091 of 2006

15.9.2006

Between:

R.Peddapampamma, W/o.R.Israel

... Petitioner

AND

The Mandal Revenue Officer, Kurnool Mandal and District
And another

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19091 of 2006

ORDER:

The second petitioner is the daughter of the first petitioner. Both of them are aggrieved by the notice issued by the Mandal Surveyor in the office of the Mandal Revenue Officer, Kurnool Mandal (MRO), respondent herein, advising the petitioners to be present at their land on 25.3.2006 with all the title documents. It is the case of the petitioners that they are owners of the land admeasuring Acs.2.89 cents in survey No.238/1 of Mamidalapadu Village in Kurnool Mandal in Kurnool District and that they also obtained necessary subdivision proceedings and pattadar passbooks. It appears that at their request, the Mandal Surveyor conducted survey on 05.6.2005 as per the Field Measuring Book (FMB) showing that there is a small pathway passing through the land of the petitioner. In spite of the same, they allege that at the instance of third party (not a party to this writ petition), the respondent ordered resurvey. It is contended that when a third party claims a share in survey No.238/1, whatever be the extent of such share, the survey by the respondents or his subordinates is no solution and only the competent Court adjudicates the questions of title. Therefore, they filed present writ petition assailing the notice dated 15.5.2006.

After hearing the learned Counsel for the petitioner and learned

Assistant Government for Revenue (General), this Court is of considered opinion that the petitioners apprehend that in the guise of survey pursuant to the impugned notice, the respondent and Mandal Surveyor might determine the share of the third party at whose instance, the survey is sought to be conducted. The apprehension is misconceived. Needless to point out that the scope of survey of the agricultural land is very limited. The same does not take in itself the resolution of disputes as to title, which can only be adjudicated by a civil court. Therefore, this Court is not inclined to admit the writ petition. The petitioner has already submitted explanation and the same maybe considered by the MRO either before or after conducting survey, if not already conducted.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 15, 2006.

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